UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,581	05/30/2001	Koki Uchiyama	CA1073	9236

23493	7590	07/13/2004

SUGHRUE MION, PLLC
401 Castro Street, Ste 220
Mountain View, CA 94041-2007

EXAMINER
LE, MIRANDA

ART UNIT	PAPER NUMBER
2177	9

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2004*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment A, filed 04/26/2004.

2.   Claims 1-6 are pending in this application. Claims 1-6 are independent claims. In the

Amendment A, no claims have been amended, added, and cancelled. This action is made Final.

Priority

3.   The Applicant's claim to domestic priority under 35 U.S.C. 119(e), as a provisional of

application serial number 60/208394, filed on 05/30/2000, and provisional of application serial

number 60/228519, filed on 08/28/2000, is acknowledged.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless:
>
> (e) the invention was described in
>
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
>
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Chaddha et al.

(US Patent No. 6,476,833 B1).

Chaddha anticipated independent claims 1, 2, 3, 4, 5, 6, by the following:

As per claim 1, Chaddha teaches a method of retrieving information from one or more

information sources in a search space, said method comprising: providing central program code

at a central computer (i.e. global server 210, col. 4, lines 12-13); said central program code being

adapted for maintaining a central database of data records (i.e. database 215, col. 4, lines 12-13),

for accessing information from said information sources (i.e. databases 251, 252,..., 259, col. 4,

lines 14-16), and for comparing said data records (i.e. personal profiles) with said information

from said information sources (i.e. pointers for retrieving profiles from other databases or web

servers, col. 6, lines 52-63);

recognizing communication between said central program code (i.e. computer readable

code stored in the global server, col. 4, lines 8-18) and remote program code (e.g. computer

readable code stored in the local server 229, Fig. 2) at each of a plurality of remote terminals (i.e.

local databases, col. 4, lines 8-18, Fig. 2) said remote program code being adapted for monitoring

network activity at each of said plurality of remote terminals (i.e. local servers retrieve global

content from global server, and then provide both global and local content to the user, col. 6,

lines 3-11), for collecting monitored data related to said network activity and to each of said

information sources accessed by any of said plurality of remote terminals (i.e. local servers

receive requests from users, col. 6, lines 3-11) and for transmitting said monitored data to said

central program code (i.e. local servers request global server to provide the global content, col. 6,

lines 3-11, col. 1, line 60 to col. 2, line 5);

aggregating, at said central computer, said monitored data transmitted from said

remote program code at all of said plurality of remote terminals and supplementing

said data records in accordance with said monitored data (i.e. the global content includes a world

news portion stream to client computers...to suit the targeted end users, col. 6, lines 11-21, col.

5, line 65 to col. 6, line 3, Fig. 4, Fig. 2);

responsive to a request for information from one of said plurality of remote terminals,

identifying candidate response information from said information sources by employing said

central program code at said central computer (i.e. customized information which includes both

the global and personalized content is then delivered to the targeted end users, col. 1, lines 64-67,

note that in response to a user's request , the information retrieved from the global server (central

computer) is based on the request of the local server, col. 4, lines 19-29);

comparing said data records (i.e. personal profiles stored in local databases about end

users associated with client computers, col. 6, lines 56-58) with said request (i.e. user' request)

and with said candidate response information (i.e. customized information) by employing said

central program code at said central computer (content from the global server, col. 4, lines 39-53,

col. 5, line 67 to col. 6, line 3);

as a result of said identifying and said comparing, transmitting, to said remote program

code at said one of said plurality of remote terminals, data concerning one or more of said

information sources which contain information relevant to said request (i.e. such an arrangement

permits customized information which includes both global content and customized local content

to be delivered to groups of end users or for individual end users at client computers, col. 4, lines

40-53).

As per claim 2, Chaddha teaches a central data aggregation system for accumulation of data related to one or more information sources in a search space, said system comprising: remote program code at a plurality of remote terminals; said remote program code being adapted for monitoring network activity at each of said plurality of remote terminals, for collecting monitored data related to said network activity and to each of said information sources accessed by any of said plurality of remote terminals, and for transmitting said monitored data (col. 6, lines 9-51, col. 6, line 63 to col. 7, line 9, Fig. 2);

a central computer having central program code capable of communicating with said remote program code and receiving said monitored data transmitted from said remote program code at all of said plurality of remote terminals; said central program code being adapted for maintaining a central database of data records and for accessing information from said information sources (col. 4, lines 9-65, col. 5, line 65 to col. 6, line 10, Fig. 2);

wherein said central database comprises at least one data record relating to each of said information sources accessed by at least one of said plurality of remote terminals, and wherein said central computer has additional program code adapted for aggregating said monitored data transmitted from said program code at all of said plurality of remote terminals and for supplementing said data records in accordance with said monitored data (col. 4, lines 26-39, col. 5, lines 43-46, col. 5, line 65 to col. 6, line 10, Fig. 2).

As per claim 3, Chaddha teaches "a distributed monitoring system for collection and accumulation of data related to one or more information sources in a search space (col. 3, line 63 to col. 4, line 3), said system comprising: a central computer having central program code

adapted for maintaining a central database of data records related to said information sources
(col. 4, lines 9-19, col. 5, line 65 to col. 6, line 3, col. 5, lines 29-34, Fig. 2);

remote program code capable of communicating with said central program code and
adapted for monitoring network activity at each of a plurality of remote terminals, for collecting
monitored data related to said network activity and to each of said information sources accessed
by any of said plurality of remote terminals, and for transmitting said monitored data to said
central program code (col. 4, lines 18-19, col. 6, lines 3-10, Fig. 2);

wherein said central computer has additional program code adapted for supplementing
said data records in accordance with said monitored data (col. 5, lines 22-48, col. 6, Fig. 2).

As per claim 4, Chaddha teaches a method of retrieving information from one or more
information sources in a search space, said method comprising: accumulating monitored data
related to each of said information sources accessed by any of a plurality of remote terminals
(col. 4, lines 40-54, col. 6, lines 21-33, Fig. 2);

transmitting said monitored data from each of said plurality of remote terminals to a
central computer (col. 4, lines 40-54, col. 1, line 60 to col. 2, line 5);

aggregating, at said central computer, said monitored data transmitted by all of said
plurality of remote terminals (col. 5, lines 22-48, col. 6, lines 11-21, col. 6, lines 11-21, col. 5,
line 65 to col. 6, line 3, Fig. 4, Fig. 2);

responsive to a request for information, accessing information from said information

sources and comparing said monitored data with said request and with said information from said

information sources (col. 4, lines 40-54, col. 5, lines 22-48, col. 6, lines 52-67, col. 7, lines 10-

64);

as a result of said accessing and said comparing, identifying one or more of said

information sources which contain information relevant to the request (col. 6, lines 22-33, col. 6,

line 42-51, col. 1, line 64 to col. 2, line 5).

As per claim 5, Chaddha teaches a method of retrieving information from one or more

information sources in a search space, said method comprising: accumulating monitored data

related to each of said information sources accessed by any of a plurality of remote terminals

(col. 4, lines 40-54, col. 6, lines 21-33, Fig. 2);

aggregating said monitored data at a central computer (col. 5, lines 22-48, col. 6, lines 11-

21);

responsive to a request for information, comparing said monitored data with said request

and with information from said information sources col. 6, lines 39-54, col. 5, lines 22-48, col. 6,

lines 52-67, col. 7, lines 10-64);

identifying one or more of said information sources in accordance with said comparing

(col. 4, lines 40-54, col. 7, lines 1-9).

As per claim 6, Chaddha teaches "an open recommendation system for retrieval of

information from one or more information sources in a search space, said system comprising:

a distributed monitoring system adapted to collect monitored data related to said information

sources accessed by any of a plurality of remote terminals (col. 3, line 63 to col. 4, line 3, col. 4,

lines 9-19, col. 5, line 65 to col. 6, line 3, Fig. 2);

a central data aggregation system adapted to receive said monitored data from said

distributed monitoring system and to store said monitored data at a central computer (col. 5, lines

22-48, col. 6, lines 11-21, Fig. 4, Fig. 2;

wherein said open recommendation, in response to a request for information, compares

said monitored data related to said information sources with said request and then recommends

information sources for which said monitored data is similar to said request (col. 4, lines 40-54,

col. 5, lines 43-46, col. 6, lines 52-67, col. 7, lines 10-64).

Response to Arguments

5.   Applicant's arguments filed 04/26/2004 have been fully considered but they are not

persuasive.

Applicant argues that:

(a) Chaddha does not teach/suggest "remote program code at remote terminal for

monitoring network activity and information sources monitored or accessed by those terminals".

(b) Chaddha does not teach/suggest "tailoring the response to the request based on

network activity or user accessing of information sources at remote terminals".

The Examiner respectfully disagrees for the following reasons:

Per (a), Chaddha discloses the remote program code (i.e. program code stored at local

servers, Fig. 2) monitoring network activity (i.e. the communication between the client and the

central computer or global server which includes personal profiles stored in local databases about

end users associated with client computers), and the information source (i.e. global database 215)

is accessed by those terminals (i.e. local servers or client computers, col. 4, lines 41-54). It

should be noted "the streaming of global and/or local information to the end user" corresponds to

"information source accessing at remote terminals".

Per (b), Chaddha discloses that a customizable information distribution system (col. 3,

lines 63-67), wherein upon a request from a client computer, encoded video/audio frames are

streamed from global server to client computer for a synchronous display (col. 4, lines 26-30),

and the information sent to an end user including customized information, global content and

personalized content (col. 7, lines 7-9). Chaddha also discloses that local servers retrieve

personal information such as personal profiles stored in local databases about end users

associated with client computers (e.g. network activity), (col. 6, lines 55-59), and the personal

information can be used by local servers to generate personalized content which has a high

likelihood of generating sale orders from the end users at client computers, col. 7, lines 2-6).

Therefore, as discussed, the claim language as presented is still read on by the Chaddha

reference at the cited paragraph in the claim rejections.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's
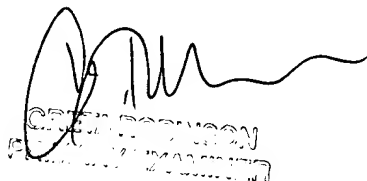
disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The

examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit

is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 305-3900.

Miranda Le
July 8, 2004